

May 19, 2017

To Whom It May Concern:

RE: Brenntag Mid South SARA 313 (Toxic Release Inventory) Violation

On January 12, 2017, Brenntag Mid-South's East Point, Georgia facility was inspected by the U.S. EPA Region 4 for compliance with the Community Right-to Know regulations. Brenntag personnel provided EPA inspectors with the facilities SARA 312- Tier II Inventory and SARA 313-Toxic Release Inventory reports for years 2012 through 2015. At time of inspection, Brenntag personnel realized that for reporting year 2015, one SARA 313 Form A report for Formic Acid had been submitted, but not certified, on EPA's CDX reporting system. Reporting within the CDX system is a two step process, initial report submittal and subsequent certification. Brenntag personnel had simply failed to click the certification button for this particular report. Upon discovery during the inspection, Brenntag personnel logged into the CDX and clicked the certification button for the report.

On May 2, 2017, Brenntag received two Notices of Violation for failure to submit a Form A for Formic Acid to EPA and the State of Georgia. Note: states receive TRI reports via the CDX system.

On May 18, 2017, Brenntag and EPA Region 4 conducted a conference call to review the proposed penalties. Ms. Erica White represented the EPA and outlined the proposed penalties as follows:

- Initial proposed penalty of \$55,460 (\$27,730 per violation)
- Final proposed settlement of \$19,410

EPA took into consideration Brenntag's immediate corrective action of "clicking" the certification button within the CDX system; our cooperation during the inspection and our clean compliance history for reducing the proposed penalty. Furthermore, EPA stated their reasoning behind the large penalty was that failure to certify the report prevented local agencies from having available knowledge of the chemicals presence at the facility to properly plan for potential emergency response. However, the intent of SARA 313 reporting is for measuring toxic releases and not for emergency response planning. The SARA 312 Tier II Inventory report is intended for emergency response planning and Brenntag reported Formic Acid on the 2015

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report. Therefore, the local responders were provided with applicable knowledge, via the correct reporting avenue, of the presence of this material at our facility.

In 2015, Brenntag Mid-South submitted 38 Form A's and 33 Form R's for 17 operating locations within their region. All submitted reports, with the exception of the Form A for East Point were certified within the CDX system. This, in and of itself, demonstrates Brenntag Mid-South's knowledge and intent to comply with the regulatory requirement.

I am in agreement that the failure to "click" the certification button within the CDX system for the East Point report is technically a violation of the SARA 313 regulation. However, the report had been submitted and the administrative oversight did not cause any damage to the environment or result in injury to Brenntag personnel or members of the general population. For this reason, it is my opinion that the proposed penalty of \$19,410 is not justified for a simple oversight.

Feel free to contact me at 484-824-0268 or swiram@brenntag.com if you have any questions or require additional information.

Respectfully Submitted,

Brenntag North America, Inc.

A handwritten signature in black ink, appearing to read 'Shawn P. Wiram', with a long horizontal flourish extending to the right.

Shawn P. Wiram
Director Safety, Health & Environment

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